

REMARKS/ARGUMENTS

Favorable reconsideration of this application, and in light of the following discussion, is respectfully requested.

Claims 9-24 remain pending in the present application.

In the outstanding Office Action,; Claims 9, 11, 12, 16, 17, 19, 20, and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over Asher (U.S. Patent No. 5,159,159) in view of Eckert (U.S. Patent No. 3,806,912); Claims 10 and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Asher in view of Eckert, and further in view of Buchana (U.S. Patent No. 5,543,589); and Claims 13-15 and 21-23 were rejected under 35 U.S.C. §103(a) as unpatentable over Asher in view of Eckert, and further in view of Kakuhashi (U.S. Patent No. 4,517,546).

Applicant thanks the Examiner for the courtesy of an interview extended to Applicant's representative on June 23, 2009. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. No agreement was reached pending the Examiner's further review when a response is filed. Arguments presented during the interview are reiterated below.

With respect to the rejection of Claim 9 as unpatentable over Asher and Eckert, Applicants respectfully traverse this ground of rejection. Claim 9 recites, *inter alia*,

a plurality of electrical conductors connected to the first ohmic resistor at discrete points thereon and said electrical conductors extending from the first ohmic resistor within the active surface; and

a plurality of conducting elements *arranged, within said active surface, so as to alternate between said electrical conductors, a first end of said conducting elements being connected to a third terminal of said position detection device;*

wherein *said conducting elements are configured as an ohmic resistor extending over the active surface of the device and a second end of said conducting elements is connected to a fourth terminal of said position detection device.*

Asher and Eckert, taken alone or in proper combination, do not disclose or suggest all of the above-noted elements of Claim 9.

In the invention defined by Claim 9, a first end of the conducting elements is connected to a third terminal of the position detection device and a second end of the conducting elements is connected to a fourth terminal of the position detection device. An exemplary embodiment is shown in Fig. 1, wherein a first end of electrical conductors 22 is connected to terminal 30 and a second end of electrical conductors 22 is connected to terminal 26.

Page 14 of the Office Action states “the end of the conducting elements 30 further [sic] from the resistive strip 32 is connected through the conducting element itself and the resistive strip 32 to a fourth terminal 13 of the touch sensor.” Applicant respectfully submits that this interpretation of Asher is incorrect.

Fig. 2 of Asher shows that the left end of conducting elements 30 is connected to resistive strip 32, and that the right end of conducting elements 30 is free and not connected to any terminal or any other part of the touch sensor.

Col. 8, lines 26-29 of Asher states that the fixed resistor 32 overlays **one** end of each of the conductive traces. A person of ordinary skill in the art would understand this to mean that only one end of the conductive traces is connected to fixed resistor 32. The Office's above-noted interpretation of Asher's Fig. 2 is inconsistent with the specification of Asher.

Moreover, Asher's specification does not contain any information (neither explicit nor implicit) which could lead a person of ordinary skill in the art to conclude that the second end of the conductive traces 30 are connected to the fixed resistor 32 or to one of the terminals of the touch sensor.

Furthermore, the Office's interpretation of Asher and "connected" is so broad that it does not provide for a distinction be connected and unconnected. The broadest **reasonable** interpretation cannot be one that does not recognize a difference between connected and unconnected. A person of ordinary skill in the art would not understand "connected" in the way it is being used by the Office.

Moreover, the Office has not provided any evidence whatsoever to support the current claim interpretation from the perspective of one skilled in the art

The "broadest reasonable interpretation" standard does not permit the Office to arbitrarily characterize the elements of the prior art as meeting the claims, without consideration of how these elements would be understood by one skilled in the art. See In re Cortright, 165 F.3d 1353, 1358, 49 USPQ 2d 1464, 1467 (Fed. Cir. 1999). ("Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one those skilled in the art would reach.")

Furthermore, Eckert does not cure the above-noted deficiencies in Asher.

Eckert describes a graphical input board including a fixed resistor 16 extending along an active area of the input board and a plurality of conductive paths 14 extending from the resistor 16 across the active area.

Furthermore, Eckert describes a plurality of resistive paths 20 arranged with the active surface so as to alternate between the conductive paths 14. A first end of the resistive paths 20 is connected via conductive path 18 to some part of a detection circuit. The second end of the resistive paths 20 is free, which means that it is not connected to a terminal or to a detection circuit. Thus, Eckert also does not disclose or suggest the claimed “a first end of said conducting elements is connected to a third terminal of said position detection device” and “a second end of said conducting elements is connected to a fourth terminal of said position detection device.”

In view of the above-noted distinctions, Applicants respectfully submit that the outstanding Office Action has not established a *prima facie* case of obviousness, and that a person of ordinary skill in the art could not properly combine Asher and Eckert to arrive at the invention defined by Claim 9.

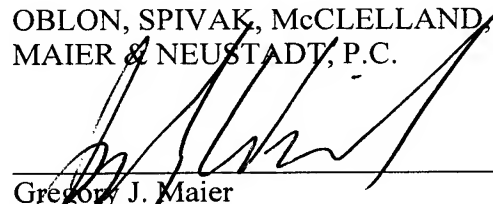
Accordingly, Applicants respectfully submit that Claim 9 (and any claims dependent thereon) patentably distinguish over Asher and Eckert, taken alone or in proper combination. Claims 16, 17, and 24 recite elements similar to those of Claim 9. Applicants respectfully submit that Claims 16, 17, and 24 (and any claims dependent thereon) patentably distinguish over Asher and Eckert, taken alone or in proper combination, for at least the reasons stated for Claim 9.

Addressing each of the further rejections, each of the further rejections is also traversed by the present response as no teachings in any of the further cited references to Buchana and Kakuhashi can overcome the above-noted deficiencies of Asher and Eckert. Accordingly, it is respectfully requested that those rejections be withdrawn for similar reasons as discussed above.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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